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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

WAYNE McFARLIN

Plaintiff,

v.

EDWARD GORMLEY, an individual; CITY
OF McMinnville, a Municipal Corporation;
CITY COUNTY INSURANCE SERVICES
TRUST; ROD BROWN, an individual;
PUBLIC SAFETY LIABILITY
MANAGEMENT INC., an Oregon corporation;
WALDO FARNHAM

Defendants.

Case No. 3:06-CV-1594-HU

**PLAINTIFF CONCISE STATEMENT
OF ADDITIONAL MATERIAL
FACTS IN OPPOSITION TO
DEFENDANT FARNHAM MOTION
FOR SUMMARY JUDGMENT**

1. Waldo Farnham prepared and submitted a complaint against McFarlin as Chief of Police although he has “no skills” to conduct a review of the police department (Ex. 46, pp. 50, 70). Farnham told Gormley he was conducting this review of McFarlin (Ex. 46, p. 50) and had conversations with Rod Brown to let him know how his investigation was going (Ex. 46, pp. 40, 56-57). It did cross Farnham’s mind that having McFarlin resign would hurt McFarlin’s chances

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Farnham Motion for Summary Judgment

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in the selection process for Chief of Police in Salem (Ex. 46, p. 86).

2. Farnham thought the information he gave Gormley about McFarlin, (Ex. 18; Ex. 47, pp. 72-73), would cause damage to McFarlin through the loss of McFarlin's position as Chief, to his earnings, to his reputation and probably to him as a professional person (Ex. 47, p. 58).

3. Farnham talked with Brown about his investigation more than six times during his investigation (Ex. 47, p. 92). Farnham never spoke with McFarlin, told him what he was doing and intentionally did not tell McFarlin anything about the investigation (Ex. 47, p. 102), although Farnham wanted his investigation to be correct and complete (Ex. 47, p. 103). Farnham knew that would be one-sided (Ex. 47, p. 104).

4. Farnham met with Mike Full regarding McFarlin four to five times as a source for the investigation (Ex. 47, p. 110) but never heard from anyone (including Rod Brown) that Full made a death threat about McFarlin (Ex. 47, p. 112). Farnham was told Full, as a source for his investigation, was a bit unstable (Ex. 47, p. 115), and Sheriff Crabtree told Farnham five days before Farnham completed his written report that Mike Full might not be very credible as a source (Ex. 47, pp. 116-117). Farnham did not tell Gormley that Sheriff Crabtree told Farnham Full was not credible (Ex. 47, p. 125).

5. Farnham told Gormley and Taylor he wanted McFarlin's employment as Chief to be terminated or have him resign or be fired (Ex. 47, pp. 58-59).

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6. McFarlin states that statements in Farnham's complaint (Ex. 18), are false or misleading, harmed his professional reputation and defamed him (Ex. 40, ¶¶ 10, 12, 15, as stated in sub-Exhibit D) and contributed to his resignation being demanded (Ex. 40, ¶¶ 10, 12, 15).

Dated this 12th day of November, 2007.



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CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of November, 2007, I served the foregoing PLAINTIFF CONCISE STATEMENT OF ADDITIONAL MATERIAL FACTS IN OPPOSITION TO DEFENDANT FARNHAM MOTION FOR SUMMARY JUDGMENT on the following parties:

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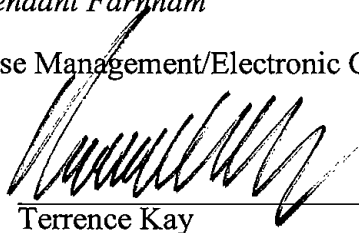
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by electronic means through the Court's Case Management/Electronic Case File system.



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